

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: February 3, 2025

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM	
Agenda Section: New Business: Ordinance. First Reading	Date: January 27, 2025	
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing structures projecting into required yards [ZTX-24-2]	Division: Planning and Development	
<p><b><u>Background:</u></b> The proposed ordinance revisions aim to address two recurring development challenges within the City. First, residents who have lived in their homes for many years often need to add accessible ramps or lifts as their mobility decreases. Unfortunately, these homes may have been built to the current setback limits, leaving no room for accessibility improvements without seeking a variance from the Board of Zoning Appeals (BZA). Because this situation is typically viewed as a financial rather than a physical hardship as it relates to the land, the BZA has struggled to justify granting these variances—even though they sympathize with homeowners’ needs.</p> <p>Second, the existing requirement for a five-foot separation between outdoor equipment such as HVAC units, pool pumps, and generators has inadvertently been applied within the same lot. The original intent of this requirement was to create a clear path between such equipment on <b>adjacent properties</b>, preventing encroachments that block movement and access across property lines— not to mandate large, unnecessary gaps between equipment on a single property. As a result, property owners often end up with wasted space and impractical layouts.</p> <p><b><u>Proposal:</u></b> To remedy these issues, the proposed revisions would allow accessible ramps and lifts to extend into the required front or rear yards by up to fifty percent, ensuring homeowners can install vital mobility features without repeatedly seeking variances. Additionally, the revisions clarify that the five-foot separation requirement applies only to equipment on <b>adjacent lots</b>, eliminating the need for multiple five-foot gaps between various units on a single property.</p> <p><b><u>Planning Commission Action:</u></b> The Planning Commission conducted a public hearing on January 7, 2025, and voted unanimously to recommend approval of the building amendment. There was no public comment.</p> <p><b><u>Recommended Action:</u></b> Approve or deny the proposed ordinance on first reading</p>		
Reviewed by Department Head	Reviewed by Interim City Manager	Reviewed by City Attorney
<p>Council Action: Motion By _____ 2<sup>nd</sup> By _____ To _____</p>		

## ORDINANCE

### AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED BY REVISING CHAPTER 23, ZONING, ARTICLE VII, GENERAL AND SUPPLEMENTAL REGULATIONS, § 23-105 OF SAID CODE.

#### BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:

**Section 1.** That *Section 23-105. - Structures projecting into required yards*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

#### **Sec. 23-105. - Structures projecting into required yards.**

The following structures within the limits set forth may project into required yards:

(1) Buttress or chimney, not more than twelve (12) inches; projecting roof overhang, not more than twenty-four (24) inches into front yard or rear yard.

(2) Unenclosed steps not extending more than three (3) feet into a front or rear yard provided other applicable building codes are complied with.

(3) Accessible ramps, home elevators, and residential lifts not more than fifty percent (50%) of the required depth of the front or rear yard provided other applicable building codes are complied with.

~~(3)~~(4) Retaining wall of any necessary height, but not closer than eighteen (18) inches to a street line.

~~(4)~~(5) A protective hood or door overhang over a doorway may extend not more than three (3) feet into the required minimum front and rear yards.

~~(5)~~(6) HVAC units, swimming pool equipment, and non-portable electric generators.

- a. In one- and two-family dwellings, HVAC units, swimming pool equipment certified by the manufacturer to not exceed seventy (70) decibels of sound at a five (5) foot distance during operating conditions, and non-portable electric generators may encroach into side yard and rear yard setback areas; ~~provided there shall be a minimum five (5) foot separation between any two (2) HVAC units, swimming pool equipment, or generators so encroaching.~~ No minimum separation is required between such equipment on the same property. However, there must be at least a five (5) foot separation between these encroachments and any adjacent property's encroachments, ensuring a clear path to maneuver around equipment on different properties.
- b. In all other cases HVAC units, swimming pool equipment, and non-portable electric generators must meet the setbacks of the zoning districts.

**Section 2.** That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

FIRST READING: 2.3.2025  
SECOND READING: \_\_\_\_\_

REVIEWED:

\_\_\_\_\_  
Interim City Manager

ORDINANCE: \_\_\_\_\_

**7A. ZONING ORDINANCE TEXT AMENDMENT ZTX-24-2:** City staff has initiated an amendment to the zoning ordinance addressing structures projecting into required yards.

**Background:**

The proposed ordinance revisions aim to address two recurring development challenges within the City. First, residents who have lived in their homes for many years often need to add accessible ramps or lifts as their mobility decreases. Unfortunately, these homes may have been built to the current setback limits, leaving no room for accessibility improvements without seeking a variance from the Board of Zoning Appeals (BZA). Because this situation is typically viewed as a financial rather than a physical hardship, the BZA has struggled to justify granting these variances—even though they sympathize with homeowners’ needs.

Second, the existing requirement for a five-foot separation between outdoor equipment such as HVAC units, pool pumps, and generators has inadvertently been applied within the same lot. The original intent of this requirement was to create a clear path between such equipment on **adjacent properties**, preventing encroachments that block movement and access across property lines—not to mandate large, unnecessary gaps between equipment on a single property. As a result, property owners often end up with wasted space and impractical layouts.

**Proposed Changes**

To remedy these issues, the proposed revisions would allow accessible ramps and lifts to extend into required front or rear yards by up to fifty percent, ensuring homeowners can install vital mobility features without repeatedly seeking variances. Additionally, the revisions clarify that the five-foot separation requirement applies only to equipment on **adjacent lots**, eliminating the need for multiple five-foot gaps between various units on a single property.

The proposed amendment addresses **§ 23-105. - Structures projecting into required yards**, of *Chapter 23, Zoning*, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

**Sec. 23-105. - Structures projecting into required yards.**

The following structures within the limits set forth may project into required yards:

- (1) Buttress or chimney, not more than twelve (12) inches; projecting roof overhang, not more than twenty-four (24) inches into front yard or rear yard.
- (2) Unenclosed steps not extending more than three (3) feet into a front or rear yard provided other applicable building codes are complied with.
- (3) Accessible ramps, home elevators, and residential lifts not more than fifty percent (50%) of the required depth of the front or rear yard provided other applicable building codes are complied with.
- ~~(3)~~(4) Retaining wall of any necessary height, but not closer than eighteen (18) inches to a street line.

~~(4)~~(5) A protective hood or door overhang over a doorway may extend not more than three (3) feet into the required minimum front and rear yards.

~~(5)~~(6) HVAC units, swimming pool equipment, and non-portable electric generators.

- a. In one- and two-family dwellings, HVAC units, swimming pool equipment certified by the manufacturer to not exceed seventy (70) decibels of sound at a five (5) foot distance during operating conditions, and non-portable electric generators may encroach into side yard and rear yard setback areas, ~~provided there shall be a minimum five (5) foot separation between any two (2) HVAC units, swimming pool equipment, or generators so encroaching.~~ No minimum separation is required between such equipment on the same property. However, there must be at least a five (5) foot separation between these encroachments and any adjacent property's encroachments, ensuring a clear path to maneuver around equipment on different properties.
- b. In all other cases HVAC units, swimming pool equipment, and non-portable electric generators must meet the setbacks of the zoning districts.

According to § 23-4, *Amendments*, of the Zoning Ordinance, the advertisement requirement for zoning text amendments is 15 days, and that advertisement notice has been met. The amendment is presented to the Planning Commission for a recommendation that will be forwarded to the City Council at their next meeting anticipated to occur on February 3, 2025.

#### **Planning Commission Action**

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions; or recommend denial of the proposal, as submitted.

#### **Alternative Motions**

- 1) I move that the Planning Commission recommend approval of the zoning ordinance text amendment [Z-24-2] as submitted.  
OR
- 2) I move that the Planning Commission recommend denial of the zoning ordinance text amendment [Z-24-2] as submitted.  
OR
- 3) I move (an alternate motion).